

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
EASTERN DIVISION**

TIMOTHY M. BROWDER,)	
)	1:05cv10464
Plaintiff,)	
)	Judge Saris
v.)	
)	
NATIONAL FINANCIAL SYSTEMS, INC.,)	
)	
Defendant.)	

**PLAINTIFF'S MOTION FOR LEAVE TO
FILE AN AMENDED COMPLAINT, *INSTANTER***

Plaintiff Timothy M. Browder respectfully requests, pursuant to Fed.R.Civ.P. 15, that the Court grant him leave to file an Amended Complaint, *instante* in Case No.1:05cv10464, so that he may add 93A class claims. A copy of the proposed Amended Complaint in the above-referenced case is attached as Appendix A.

In support of this motion, Plaintiff states as follows:

1. Plaintiff originally brought this class action against defendant National Financial Systems, Inc. to recover damages for violation of the Fair Debt Collection Practices Act, 15 U.S.C. §1692 et seq. ("FDPCA").
2. Leave to amend a party's pleading "shall be freely given when justice so requires." Fed.R.Civ.P. 15(a); Foman v. Davis, 371 U.S. 178, 83 S.Ct. 227 (1962).
3. The Amended Complaint does not prejudice the Defendant.
4. Plaintiff has conferred in good faith with counsel for defendant National Financial Systems, Inc. and defendant does not object to the filing of this motion.

WHEREFORE, Plaintiff respectfully requests, pursuant to Fed. R. Civ. P. 15 that

the Court grant leave to file an Amended Complaint in Case No. 1:05cv10464, so that he may add 93A class claims.

Respectfully submitted,

s/ Daniel A. Edelman
Daniel A. Edelman

Daniel A. Edelman
Cathleen M. Combs
James O. Lattuner
Francis R. Greene
EDELMAN, COMBS & LATTURNER, LLC
120 S. LaSalle Street, 18th floor
Chicago, Illinois 60603
(312) 739-4200
(312) 419-0379 (FAX)

Christopher M. Lefebvre
LAW OFFICES OF CLAUDE
LEFEBVRE & SONS
Two Dexter Street
Pawtucket, RI 02860
(401) 728-6060
(401) 728-6534 (FAX)
B.B.O. # 629056

RULE 7.1 CERTIFICATION

I, Daniel A. Edelman, hereby certify that I have conferred in good faith with counsel for National Financial Systems, Inc. regarding this Motion. Defendant's counsel did not object to the filing of this motion during our conference.

s/ Daniel A. Edelman
Daniel A. Edelman

CERTIFICATE OF SERVICE

I, Daniel A. Edelman, hereby certify that on May 11, 2005, a copy of the foregoing Plaintiff's Motion for Leave to File an Amended Complaint, *Instantly* was filed electronically. Notice of this filing will be sent via U.S. Mail to the following parties:

Steven S. Broadley, BBO #542305
Posternak, Blankstein & Lund, LLP
Prudential Tower
800 Boylston Street, 32nd Floor
Boston, MA 02199-8004

Albert E. Fowerbaugh, Jr., Esquire
Michael G. Salemi, Esquire
Lord, Bissel & Brook LLP
115 South LaSalle Street
Chicago, IL 60603

s/ Daniel A. Edelman
Daniel A. Edelman
EDELMAN, COMBS, LATTURNER
& GOODWIN, LLC
120 S. LaSalle Street, 18th Floor
Chicago, IL 60603
(312) 739-4200
(312) 917-0379 (FAX)
courtecl@aol.com

Appendix A

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
EASTERN DIVISION**

TIMOTHY M. BROWDER,)	
)	
Plaintiff,)	1:05cv10464
)	
v.)	Judge Saris
)	
NATIONAL FINANCIAL SYSTEMS, INC.,)	
)	
Defendant.)	

AMENDED COMPLAINT – CLASS ACTION

INTRODUCTION

1. Plaintiff Timothy M. Browder brings this action against a debt collector, National Financial Systems, Inc. (“NFS”), to recover damages for violation of the Fair Debt Collection Practices Act, 15 U.S.C. §1692 et seq. (“FDPCA”), and state law.

JURISDICTION AND VENUE

2. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 (general federal question), 1337 (interstate commerce), and 1367 (supplemental jurisdiction), and 15 U.S.C. §1692k (FDCPA).

3. Venue and personal jurisdiction over defendant in this District is proper because:

- a. Plaintiff resides here;
- b. Defendant has offices here;
- c. Defendant’s collection communications to plaintiff and numerous others were transmitted into the District.

PARTIES

- 4. Plaintiff Timothy M. Browder is a resident of Chestnut Hill, MA.
- 5. Defendant National Financial Systems, Inc. (“NFS”) is a corporation with offices at 600 W. John Street, Hicksville, NY 11801.

6. NFS operates a collection agency.
7. NFS is a debt collector as defined in the FDCPA.
8. NFS does business in Massachusetts. It maintains offices at 5230 Washington Street, West Roxbury, MA 02132.
9. NFS is the same entity involved in United States v. National Financial Systems, Inc., Civil Action No. CV-990-7874 (E.D.N.Y.), an action brought at the instance of the Federal Trade Commission to enforce the FDCPA, wherein it signed a consent judgment.

FACTS

10. On or about July 9, 2004, NFS mailed plaintiff a collection letter, attached as Exhibit A.
11. Exhibit A sought to collect a credit card debt allegedly owed to Citicorp.
12. Plaintiff incurred the alleged debt for personal, family or household purposes.
13. Exhibit A is a form letter.
14. Exhibit A states on the reverse: "Any indebtedness of \$600.00 or more may be reported to the IRS as taxable income pursuant to Internal Revenue Code 6050(p) and related federal law."
15. The quoted statement is false.
16. In fact, certain financial institutions are required to file a 1099 information return with the IRS if they **discharge** indebtedness in the principal amount of \$600 or more.
17. The applicable IRS regulation, 26 C.F.R. §1.6050P-1(a)(1), provides: "Except as provided in paragraph (d) of this section, any applicable financial entity (as defined in section 6050P(c)(1)) that discharges an indebtedness of any person (within the meaning of section 7701(a)(1)) of at least \$ 600 during a calendar year must file an information return on Form 1099-C with the Internal Revenue Service."
18. The requirement that the discharge of indebtedness must be reported does not necessarily mean that the amount discharged represents income.

19. 26 C.F.R. §1.6050P-1(a)(3) provides that “Except as otherwise provided in this section, discharged indebtedness must be reported regardless of whether the debtor is subject to tax on the discharged debt under sections 61 and 108 or otherwise by applicable law.”

B. Debts which the holder is actively seeking to collect through placement with a collection agency such as NFS or otherwise are, by definition, *not* discharged.

1. 26 C.F.R. §1.6050P-1(b)(2)(iv) creates a presumption that indebtedness has been discharged if the creditor has not received a payment for 36 months, but that presumption is rebutted “if the creditor (or a third-party collection agency on behalf of the creditor) has engaged in significant, bona fide collection activity” and by “the sale or packaging for sale of the indebtedness by the creditor.”

2. The discharge of indebtedness in the principal amount of \$600 or more is not taxable income if the debtor is insolvent, or if the debt is disputed, or if the discharge occurs in bankruptcy. A large proportion of uncollectible consumer debt falls into one or more of these three categories.

3. The NFS letter also states that the quoted statement “is based on the sender’s research and experience in working with these issues,” suggesting that NFS knows about the tax consequences of not paying debts.

4. NFS regularly includes the quoted language in collection letters, as shown by Exhibits B-G, attached.

5. NFS sent Exhibit A about 5 weeks after it had been sued in the Northern District of Illinois for the same violation, on May 28, 2004, and served with process in that action, on June 2, 2004. NFS thus was on notice that it was violating the law, and chose to continue the conduct in question.

6. NFS does not in fact report the existence of indebtedness over \$600 to the IRS as taxable income. Neither do its clients.

COUNT I -- FDCPA

7. Plaintiff incorporates paragraphs 1-26.

8. The inclusion of the quoted statements on Exhibit A is deceptive, false, and misleading, and violates 15 U.S.C. §§1692e, 1692e(2), 1692e(5), and 1692e(10).

9. Section 1692e provides:

§ 1692e. False or misleading representations [Section 807 of P.L.]

A debt collector may not use any false, deceptive, or misleading representation or means in connection with the collection of any debt. Without limiting the general application of the foregoing, the following conduct is a violation of this section: . . .

(2) The false representation of--

(A) the . . . legal status of any debt . . .

(5) The threat to take any action that cannot legally be taken or that is not intended to be taken. . .

(10) The use of any false representation or deceptive means to collect or attempt to collect any debt or to obtain information concerning a consumer. . .

CLASS ALLEGATIONS

10. Plaintiff brings this claim on behalf of a class. The class consists of (i) all natural persons with Massachusetts addresses, (ii) to whom NFS sent a letter stating “Any indebtedness of \$600.00 or more may be reported to the IRS as taxable income pursuant to Internal Revenue Code 6050(p) and related federal law”, (iii) on or after a date one year prior to the filing of this action, (iv) and prior to 20 days after this action is filed.

11. The class is so numerous that joinder of all members is impracticable.

12. Exhibit A is a form letter, as evidenced by the bar coded address and account number assigned by NFS.

13. Other examples of NFS letters containing the language complained of, mailed to putative debtors in various parts of the United States, and with personal information redacted, are in Exhibits B-G.

<u>Date</u>	<u>NFS Number</u>	<u>Exhibit</u>
8/8/03	40851679-2-5A	C
9/9/03	44061287-2-C3	D
10/14/03	44788263-1-2X	E
2/20/04	46119092-3-EC	B
3/31/04	46734182-3-2A	F
4/14/04	46938342-2-HB	G
7/9/04	47890799-3-6M	A

14. On information and belief, the NFS numbers are applied to new accounts sent to it for collection sequentially, and NFS sends thousands of letters, all containing the statement complained of, each year.

15. On information and belief, there are more than 50 members of the class defined herein.

16. There are questions of law and fact common to the class members, which questions predominate over any questions affecting only individual class members. The principal question is whether the quoted statement in NFS' letter violates the FDCPA.

17. Plaintiff will fairly and adequately represent the members of the class. Plaintiff has retained counsel experienced in the prosecution of class actions and consumer credit claims.

18. A class action is superior for the fair and efficient adjudication of this matter, in that:

- a. Defendant has inflicted similar injuries to a large number of persons through a single course of conduct;
- b. Individual actions are not economical;
- c. Debtors may not realize that NFS' statement is false;
- d. Congress contemplated class actions as a means of enforcing the

FDCPA.

WHEREFORE, plaintiff requests that the Court enter judgment in favor of the plaintiff and the class members and against defendant for:

- (1) Statutory damages;
- (2) Attorney's fees, litigation expenses and costs of suit;
- (3) Such other or further relief as the Court deems proper.

COUNT II -- MASS. G.L., CH. 93A

19. Plaintiff incorporates paragraphs 1-26.

20. The inclusion of the quoted statements on Exhibit A is deceptive, false, and misleading, and violates 15 U.S.C. §§1692e, 1692e(2), 1692e(5), and 1692e(10).

21. The violation of the FDCPA is also a violation of Mass. G.L., ch. 93A, §9.

CLASS ALLEGATIONS

22. Plaintiff brings this claim on behalf of a class. The class consists of (i) all natural persons with Massachusetts addresses, (ii) to whom NFS sent a letter stating "Any indebtedness of \$600.00 or more may be reported to the IRS as taxable income pursuant to Internal Revenue Code 6050(p) and related federal law", (iii) on or after a date 4 years prior to the filing of this action, (iv) and prior to 20 days after this action is filed.

23. The class is so numerous that joinder of all members is impracticable.

24. Exhibit A is a form letter, as evidenced by the bar coded address and account number assigned by NFS.

25. Other examples of NFS letters containing the language complained of, mailed to putative debtors in various parts of the United States, and with personal information redacted, are in Exhibits B-G.

<u>Date</u>	<u>NFS Number</u>	<u>Exhibit</u>
8/8/03	40851679-2-5A	C
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10/14/03	44788263-1-2X	E
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3/31/04	46734182-3-2A	F
4/14/04	46938342-2-HB	G
7/9/04	47890799-3-6M	A

26. On information and belief, the NFS numbers are applied to new accounts sent to it for collection sequentially, and NFS sends thousands of letters, all containing the statement complained of, each year.

27. On information and belief, there are more than 50 members of the class defined herein.

28. There are questions of law and fact common to the class members, which questions predominate over any questions affecting only individual class members. The principal question is whether the quoted statement in NFS' letter violates the FDCPA and Mass. G.L., ch. 93A, §9.

29. Plaintiff will fairly and adequately represent the members of the class. Plaintiff has retained counsel experienced in the prosecution of class actions and consumer credit claims.

30. A class action is superior for the fair and efficient adjudication of this matter, in that:

- a. Defendant has inflicted similar injuries to a large number of persons through a single course of conduct;
- b. Individual actions are not economical;
- c. Debtors may not realize that NFS' statement is false.

WHEREFORE, plaintiff requests that the Court enter judgment in favor of the plaintiff and the class members and against defendant for:

- (1) Statutory damages of \$25 per letter, trebled to \$75;

- (2) Attorney's fees, litigation expenses and costs of suit;
- (3) Such other or further relief as the Court deems proper.

Respectfully submitted,

s/ Daniel A. Edelman
Daniel A. Edelman
Cathleen M. Combs
James O. Lattuner
Francis R. Greene
EDELMAN, COMBS,
LATTURNER & GOODWIN, LLC
120 S. LaSalle St., Suite 1800
Chicago, IL 60603
(312) 739-4200
(312) 419-0379

Christopher M. Lefebvre
LAW OFFICES OF CLAUDE
LEFEBVRE & SONS
Two Dexter Street
Pawtucket, RI 02860
(401) 728-6060
(401) 728-6534 (FAX)
B.B.O. # 629056

JURY DEMAND

Plaintiff demands trial by jury.

s/ Daniel A. Edelman
Daniel A. Edelman

EXHIBIT A

FROM:
600 W JOHN ST
P.O. BOX 9041
HICKSVILLE NY 11802-9041

3 3 68
229698

Return Service Requested



NATIONAL
FINANCIAL
SYSTEMS, INC.

5230 WASHINGTON STREET, WEST ROXBURY, MA 02132
Phone: (800) 568-2733/(516) 932-1400 Fax: (516) 932-8828
Date: JULY 9, 2004
AMOUNT DUE: \$9731.63



47890799-3-6M



*****AUTO**MIXED AADC 117
BROWDER, TIMOTHY M
163 GERRY RD
CHESTNUT HILL MA 02467-3185



47890799-3-6M

NATIONAL FINANCIAL SYSTEMS
600 W JOHN ST
P.O. BOX 9041
HICKSVILLE NY 11802-9041

Please detach and return with payment.

THIS ACCOUNT HAS BEEN PLACED WITH OUR OFFICE FOR THE PURPOSE OF COLLECTING THE AMOUNT LISTED BELOW.

UNLESS YOU NOTIFY THIS OFFICE WITHIN 30 DAYS AFTER RECEIVING THIS NOTICE THAT YOU DISPUTE THE VALIDITY OF THIS DEBT OR ANY PORTION THEREOF, THIS OFFICE WILL ASSUME THE DEBT IS VALID. IF YOU NOTIFY THIS OFFICE IN WRITING WITHIN 30 DAYS FROM RECEIVING THIS NOTICE, THIS OFFICE WILL OBTAIN VERIFICATION OF THE DEBT OR OBTAIN A COPY OF A JUDGMENT AND MAIL YOU A COPY OF SUCH JUDGMENT OR VERIFICATION. IF YOU REQUEST THIS OFFICE IN WRITING WITHIN 30 DAYS AFTER RECEIVING THIS NOTICE, THIS OFFICE WILL PROVIDE YOU WITH THE NAME AND ADDRESS OF THE ORIGINAL CREDITOR, IF DIFFERENT FROM THE CURRENT CREDITOR.

IF YOU WISH TO DISCUSS THIS DEMAND FOR PAYMENT.

NOTICE OF IMPORTANT RIGHTS

YOU HAVE THE RIGHT TO MAKE A WRITTEN OR ORAL REQUEST THAT TELEPHONE CALLS REGARDING YOUR DEBT NOT BE MADE TO YOU AT YOUR PLACE OF EMPLOYMENT. ANY SUCH ORAL REQUEST WILL BE VALID FOR ONLY TEN DAYS UNLESS YOU PROVIDE WRITTEN CONFIRMATION OF THE REQUEST POSTMARKED OR DELIVERED WITH SEVEN DAYS OF SUCH REQUEST. YOU MAY PERMANENTLY REQUEST BY WRITING THE COLLECTION AGENCY.

NATIONAL FINANCIAL SYSTEMS, INC. 600 W JOHN ST, P.O. BOX 9046 / HICKSVILLE, NY 11801-1040
5230 WASHINGTON STREET, WEST ROXBURY, MA 02132
CALL TOLL FREE 1 (800) 411-1332
MON THRU THUR 8:00AM TO 9:00PM/FRI 8:00AM TO 5:00PM/SAT 8:00AM TO NOON EST

THIS IS A DEBT COLLECTION AGENCY

PLEASE SEE OTHER SIDE FOR IMPORTANT INFORMATION

**THIS IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION
OBTAINED WILL BE USED FOR THAT PURPOSE.**

7/9/04

FOR: BANK NNB

BF DER, TIMOTHY M
163 GERRY RD
CHESTNUT HILL MA 02467-3185

Re: YOUR ACCOUNT WITH OUR CLIENT:
CITICORP MASTERCARD

ACCT#: 5424180377946972
PRINCIPAL: \$9731.63

CHARGES: \$.00
AMOUNT DUE: \$9731.63

To Residents in:

COLORADO:

FOR INFORMATION ABOUT THE COLORADO FAIR DEBT COLLECTION PRACTICES ACT, SEE
WWW.AGO.STAT.CO.US/CAB.HTM.

MINNESOTA:

This collection agency is licensed by the Minnesota Department of Commerce.

NEW YORK CITY:

New York City Department of Consumer Affairs license number 0808844.

NORTH CAROLINA:

North Carolina collection agency permit number 3254.

THIS INFORMATION IS NOT INTENDED AS LEGAL ADVICE AND SHOULD NOT BE USED TO REPLACE THE
ADVISE OF YOUR OWN LEGAL COUNSEL. ANY INFORMATION CONTAINED IN THIS TRANSMISSION IS BASED
ON THE SENDER'S RESEARCH AND EXPERIENCE IN WORKING WITH THESE ISSUES.

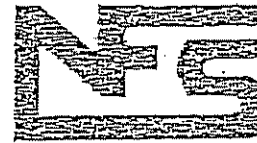
Collection agencies must comply with a federal law that provides you with certain rights,
including the right to have us stop communicating with you, if you make the request in
writing to: National Financial Systems, Inc. This law is administered by the Federal
Trade Commission, One Bowling Green, Third Floor, New York, NY 10004.

For inquiries, call 1-866-463-5443 1:00 pm - 3:00 pm est Monday - Thursday.

Any indebtedness of \$600.00 or more may be reported to the IRS as taxable income pursuant
to Internal Revenue Code 6050 (P) and related federal law.

EXHIBIT B

600 W JOHN ST
P.O. BOX 9046
HICKSVILLE NY 11801



NATIONAL
FINANCIAL
SYSTEMS, INC.

February 20, 04

Phone: (516) 932-1400

Fax: (516) 932-8828

AMOUNT DUE: \$24,401.28



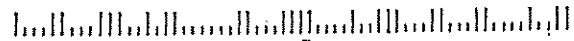
46119092-3-EF

LOUGHLIN, SHARON
8 MUIRFIELD CT
LAKE IN THE HILLS IL 60156-6354



46119092-3-EF

NATIONAL FINANCIAL SYSTEMS
600 W JOHN ST
P.O. BOX 9046
HICKSVILLE NY 11801



PLEASE DETACH AND RETURN WITH PAYMENT

THIS ACCOUNT HAS BEEN PLACED IN OUR OFFICE FOR THE PURPOSE OF COLLECTING THE AMOUNT LISTED.

UNLESS YOU NOTIFY THIS OFFICE WITHIN 30 DAYS AFTER RECEIVING THIS NOTICE THAT YOU DISPUTE THE VALIDITY OF THIS DEBT OR ANY PORTION THEREOF, THIS OFFICE WILL ASSUME THIS DEBT IS VALID. IF YOU NOTIFY THIS OFFICE IN WRITING WITHIN 30 DAYS FROM RECEIVING THIS NOTICE, THIS OFFICE WILL: OBTAIN VERIFICATION OF THE DEBT OR OBTAIN A COPY OF A JUDGEMENT AND MAIL YOU A COPY OF SUCH JUDGMENT OR VERIFICATION. IF YOU REQUEST THIS OFFICE IN WRITING WITHIN 30 DAYS AFTER RECEIVING THIS NOTICE, THIS OFFICE WILL PROVIDE YOU WITH THE NAME AND ADDRESS OF THE ORIGINAL CREDITOR, IF DIFFERENT FROM THE CURRENT CREDITOR.

IF PAYMENT IS NOT MADE, COLLECTION EFFORTS AS WELL AS INTEREST WILL CONTINUE.
NATIONAL FINANCIAL SYSTEMS, INC. 600 W JOHN ST, P.O. BOX 9046 / HICKSVILLE, NY 11801-1040

CALL TOLL FREE 1 (800) 411-1332

MON THRU THUR 8:00AM TO 9:00PM/FRI 8:00AM TO 5:00PM/SAT 8:00AM TO NOON EST

THIS IS A DEBT COLLECTION AGENCY

PLEASE SEE OTHER SIDE FOR IMPORTANT INFORMATION

THIS IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION
OBTAINED WILL BE USED FOR THAT PURPOSE.

2/20/04

FOR: BANK NNW2

LOUGHLIN, SHARON
8 MUIRFIELD CT
LAKE IN THE HILLS IL 60156
24

RE: YOUR ACCOUNT WITH OUR CLIENT
CITICORP MASTERCARD.

ACCT #: ~~XXXXXXXXXX~~

PRINCIPAL: \$24,401.28

CHARGES: \$0.00

AMOUNT DUE: \$24,401.28

To Residents in:

COLORADO:

FOR INFORMATION ABOUT THE COLORADO FAIR DEBT COLLECTION PRACTICES ACT, SEE
WWW.AGO.STATE.CO.US/CAE.HTM.

MINNESOTA:

This collection agency is licensed by the Minnesota Department of Commerce.

NEW YORK CITY:

New York City Department of Consumer Affairs license number 0808844.

NORTH CAROLINA:

North Carolina collection agency permit number 3254.

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THIS TRANSMISSION IS BASED ON THE SENDER'S RESEARCH AND EXPERIENCE IN
WORKING WITH THESE ISSUES.

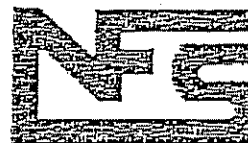
Collection agencies must comply with a federal law that provides you with
certain rights, including the right to have us stop communicating with you,
if you make the request in writing to: National Financial Systems, Inc.
This law is administered by the Federal Trade Commission, One Bowling Green,
Third Floor, New York, NY 10004.

For inquiries, call 1-866-463-5443 1:00 pm - 3:00 pm est Monday - Thursday.

Any indebtedness of \$500.00 or more may be reported to the IRS as taxable
income pursuant to Internal Revenue Code 6050 (P) and related federal law.

EXHIBIT C

600 W JOHN ST
P.O. BOX 9046
HICKSVILLE NY 11801



NATIONAL
FINANCIAL
SYSTEMS, INC.

August 08, 03

Phone: (516) 932-1400 Fax: (516) 932-8828

AMOUNT DUE: \$761.24



40851679-2-SA

~~CONFIDENTIAL~~
BALTIMORE MD 21213-1409



40851679-2-SA

NATIONAL FINANCIAL SYSTEMS
600 W JOHN ST
P.O. BOX 9046
HICKSVILLE NY 11801



PLEASE DETACH AND RETURN WITH PAYMENT

WE ARE DELIGHTED TO BE ABLE TO OFFER YOU THIS TREMENDOUS SAVINGS ... BUT YOU MUST
TAKE ADVANTAGE OF THIS SPECIAL SITUATION BEFORE 08/30/03.

NFS CAN **SETTLE YOUR ACCOUNT-IN-FULL** AT 75% OF THE TOTAL DUE IF WE
RECEIVE \$570.00 BY 08/30/03, SAVING YOU AN UNBELIEVABLE SUM.

DON'T DELAY!!

SEND YOUR SETTLEMENT PAYMENT OR CALL US NOW.
REMEMBER THE DEADLINE DATE AND USE OUR TOLL FREE NUMBER.

NATIONAL FINANCIAL SYSTEMS, INC. 600 W JOHN ST, P.O. BOX 9046 / HICKSVILLE, NY 11801-1040

CALL TOLL FREE 1 (800) 765-2733

MON THRU THUR 8:00AM TO 9:00PM/FRI 8:00AM TO 5:00PM/SAT 8:00AM TO NOON EST

THIS IS A DEBT COLLECTION AGENCY

PLEASE SEE OTHER SIDE FOR IMPORTANT INFORMATION

THIS IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION
OBTAINED WILL BE USED FOR THAT PURPOSE.

8/8/03

FOR:

~~CONFIDENTIAL~~
BALTIMORE MD 21213
17

RE: YOUR ACCOUNT WITH OUR CLIENT
5 STAR BANK

ACCT #:

PRINCIPAL:

CHARGES:

AMOUNT DUE:

\$761.24

\$0.00

\$761.24

To Residents in:

COLORADO:

FOR INFORMATION ABOUT THE COLORADO FAIR DEBT COLLECTION PRACTICES ACT, SEE
WWW.ADO.STAT.CO.US/CAB.HTM.

MINNESOTA:

This collection agency is licensed by the Minnesota Department of Commerce.

NEW YORK CITY:

New York City Department of Consumer Affairs license number 0808844.

NORTH CAROLINA:

North Carolina collection agency permit number 2254.

THIS INFORMATION IS NOT INTENDED AS LEGAL ADVICE AND SHOULD NOT BE USED TO
REPLACE THE ADVICE OF YOUR OWN LEGAL COUNSEL. ANY INFORMATION CONTAINED IN
THIS TRANSMISSION IS BASED ON THE SENDER'S RESEARCH AND EXPERIENCE IN
WORKING WITH THESE ISSUES.

Collection agencies must comply with a federal law that provides you with
certain rights, including the right to have us stop communicating with you,
if you make the request in writing to: National Financial Systems, Inc.
This law is administered by the Federal Trade Commission, One Bowling Green,
Third Floor, New York, NY 10004

Any indebtedness of \$600.00 or more may be reported to the IRS as taxable
income pursuant to Internal Revenue Code 6050 (P) and related federal law.

EXHIBIT D

600 W JOHN ST
P.O. BOX 9046
HICKSVILLE NY 11801



NATIONAL
FINANCIAL
SYSTEMS, INC.

September 09, 03

Phone: (516) 932-1400 Fax: (516) 932-8828

AMOUNT DUE: \$13,867.53



44061287-2-C3

DAYTON OH 45431-2834



44061287-2-C3

NATIONAL FINANCIAL SYSTEMS
600 W JOHN ST
P.O. BOX 9046
HICKSVILLE NY 11801



PLEASE DETACH AND RETURN WITH PAYMENT

THIS LETTER REPRESENTS A *** 65% SETTLEMENT-IN-FULL ***OFFER

WE ARE DELIGHTED TO BE ABLE TO OFFER YOU THIS TREMENDOUS SAVINGS. IN ORDER TO TAKE ADVANTAGE OF THIS SPECIAL OFFER YOU MUST CONTACT US IMMEDIATELY AT 1-800-568-2733.

NFS CAN **SETTLE YOUR ACCOUNT-IN-FULL** AT 65% OF THE TOTAL DUE, SAVING YOU AN UNBELIEVABLE SUM.

DON'T DELAY !!

SEND YOUR SETTLEMENT PAYMENT OR CALL US RIGHT NOW!!

IF PAYMENT IS NOT MADE, COLLECTION EFFORTS AS WELL AS INTEREST WILL CONTINUE.
NATIONAL FINANCIAL SYSTEMS, INC. 600 W JOHN ST, P.O. BOX 9046 / HICKSVILLE, NY 11801-1040

CALL TOLL FREE 1 (800) 765-2733

MON THRU THUR 8:00AM TO 9:00PM/FRI 8:00AM TO 5:00PM/SAT 8:00AM TO NOON EST

THIS IS A DEBT COLLECTION AGENCY

PLEASE SEE OTHER SIDE FOR IMPORTANT INFORMATION

THIS IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION
OBTAINED WILL BE USED FOR THAT PURPOSE.

9/9/03

FOR: BANK NNW2

1- [REDACTED]

DAYTON OH 45431

52

RE: YOUR ACCOUNT WITH OUR CLIENT
CITICORP MASTERCARD

ACCT #: [REDACTED]

PRINCIPAL: \$13,576.38

CHARGES: \$291.15

AMOUNT DUE: \$13,867.53

To Residents in:

COLORADO:

FOR INFORMATION ABOUT THE COLORADO FAIR DEBT COLLECTION PRACTICES ACT, SEE
WWW.AGO.STATE.CO.US/CAB.HTM.

MINNESOTA:

This collection agency is licensed by the Minnesota Department of Commerce.

NEW YORK CITY:

New York City Department of Consumer Affairs license number 0208844.

NORTH CAROLINA:

North Carolina collection agency permit number 3254.

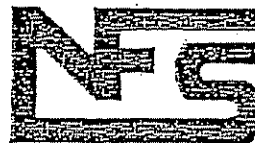
THIS INFORMATION IS NOT INTENDED AS LEGAL ADVICE AND SHOULD NOT BE USED TO
REPLACE THE ADVICE OF YOUR OWN LEGAL COUNSEL. ANY INFORMATION CONTAINED IN
THIS TRANSMISSION IS BASED ON THE SENDER'S RESEARCH AND EXPERIENCE IN
WORKING WITH THESE ISSUES.

Collection agencies must comply with a federal law that provides you with
certain rights, including the right to have us stop communicating with you,
if you make the request in writing to: National Financial Systems, Inc.
This law is administered by the Federal Trade Commission, One Bowling Green,
Third Floor, New York, NY 10004.

Any indebtedness of \$600.00 or more may be reported to the IRS as taxable
income pursuant to Internal Revenue Code 6050 (P) and related federal law.

EXHIBIT E

600 W JOHN ST
P.O. BOX 9046
HICKSVILLE NY 11801



NATIONAL
FINANCIAL
SYSTEMS, INC.


October 14, 03

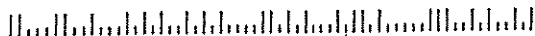
Phone: (516) 932-1400 Fax: (516) 932-8828

AMOUNT DUE: \$5,982.03



44788263-1-2X


SAN ANTONIO TX 78245-1529



44788263-1-2X

NATIONAL FINANCIAL SYSTEMS
600 W JOHN ST
P.O. BOX 9046
HICKSVILLE NY 11801



PLEASE DETACH AND RETURN WITH PAYMENT

THIS ACCOUNT HAS BEEN PLACED WITH OUR OFFICE FOR THE PURPOSE OF COLLECTING THE
AMOUNT LISTED BELOW.

UNLESS YOU NOTIFY THIS OFFICE WITHIN 30 DAYS AFTER RECEIVING THIS NOTICE THAT YOU
DISPUTE THE VALIDITY OF THIS DEBT OR ANY PORTION THEREOF, THIS OFFICE WILL ASSUME
THIS DEBT IS VALID. IF YOU NOTIFY THIS OFFICE IN WRITING WITHIN 30 DAYS FROM
RECEIVING THIS NOTICE, THIS OFFICE WILL: OBTAIN VERIFICATION OF THE DEBT OR OBTAIN A
COPY OF A JUDGEMENT AND MAIL YOU A COPY OF SUCH JUDGMENT OR VERIFICATION. IF YOU
REQUEST THIS OFFICE IN WRITING WITHIN 30 DAYS AFTER RECEIVING THIS NOTICE, THIS
OFFICE WILL PROVIDE YOU WITH THE NAME AND ADDRESS OF THE ORIGINAL CREDITOR, IF
DIFFERENT FROM THE CURRENT CREDITOR.

IF YOU WISH TO DISCUSS THIS DEMAND FOR PAYMENT.

IF PAYMENT IS NOT MADE, COLLECTION EFFORTS AS WELL AS INTEREST WILL CONTINUE.

NATIONAL FINANCIAL SYSTEMS, INC. 600 W JOHN ST, P.O. BOX 9046 / HICKSVILLE, NY 11801-1040

CALL TOLL FREE 1 (800) 568-2733

MON THRU THUR 8:00AM TO 9:00PM/FRI 8:00AM TO 5:00PM/SAT 8:00AM TO NOON EST

THIS IS A DEBT COLLECTION AGENCY

PLEASE SEE OTHER SIDE FOR IMPORTANT INFORMATION

THIS IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION
OBTAINED WILL BE USED FOR THAT PURPOSE.

10/14/03

FOR: BANK NNH1


SAN ANTONIO TX 78245

37

RE: YOUR ACCOUNT WITH OUR CLIENT
CITICORP UNIVERSAL MASTERCARD

ACCT #:



PRINCIPAL: \$5,982.03

CHARGES: \$0.00

AMOUNT DUE: \$5,982.03

To Residents in:

COLORADO:

FOR INFORMATION ABOUT THE COLORADO FAIR DEBT COLLECTION PRACTICES ACT, SEE
WWW.AGO.STAT.CO.US/CAB.HTM.

MINNESOTA:

This collection agency is licensed by the Minnesota Department of Commerce.

NEW YORK CITY:

New York City Department of Consumer Affairs license number 0808844.

NORTH CAROLINA:

North Carolina collection agency permit number 3354.

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certain rights, including the right to have us stop communicating with you,
if you make the request in writing to: National Financial Systems, Inc.
This law is administered by the Federal Trade Commission, One Bowling Green,
Third Floor, New York, NY 10004.

For inquiries, call 1-866-463-5443 1:00 pm - 2:00 pm est Monday - Thursday.

Any indebtedness of \$500.00 or more may be reported to the IRS as taxable
income pursuant to Internal Revenue Code 6050 (P) and related federal law.

EXHIBIT F

600 W JOHN ST
P.O. BOX 9046
HICKSVILLE NY 11801



NATIONAL
FINANCIAL
SYSTEMS, INC.

March 31, 04

Phone: (516) 932-1400

Fax: (516) 932-8828

AMOUNT DUE: \$1,511.26



46734182-3-2A

BATH PA 18014-2155



46734182-3-2A

NATIONAL FINANCIAL SYSTEMS

600 W JOHN ST

P.O. BOX 9046

HICKSVILLE NY 11801

PLEASE DETACH AND RETURN WITH PAYMENT

THIS ACCOUNT HAS BEEN PLACED IN OUR OFFICE FOR THE PURPOSE OF COLLECTING THE AMOUNT LISTED.

UNLESS YOU NOTIFY THIS OFFICE WITHIN 30 DAYS AFTER RECEIVING THIS NOTICE THAT YOU DISPUTE THE VALIDITY OF THIS DEBT OR ANY PORTION THEREOF, THIS OFFICE WILL ASSUME THIS DEBT IS VALID. IF YOU NOTIFY THIS OFFICE IN WRITING WITHIN 30 DAYS FROM RECEIVING THIS NOTICE, THIS OFFICE WILL: OBTAIN VERIFICATION OF THE DEBT OR OBTAIN A COPY OF A JUDGEMENT AND MAIL YOU A COPY OF SUCH JUDGMENT OR VERIFICATION. IF YOU REQUEST THIS OFFICE IN WRITING WITHIN 30 DAYS AFTER RECEIVING THIS NOTICE, THIS OFFICE WILL PROVIDE YOU WITH THE NAME AND ADDRESS OF THE ORIGINAL CREDITOR, IF DIFFERENT FROM THE CURRENT CREDITOR.

IF PAYMENT IS NOT MADE, COLLECTION EFFORTS AS WELL AS INTEREST WILL CONTINUE.
NATIONAL FINANCIAL SYSTEMS, INC. 600 W JOHN ST, P.O. BOX 9046 / HICKSVILLE, NY 11801-1040

CALL TOLL FREE 1 (800) 411-1332

MON THRU THUR 8:00AM TO 5:00PM/FRI 8:00AM TO 5:00PM/SAT 8:00AM TO NOON EST

THIS IS A DEBT COLLECTION AGENCY

PLEASE SEE OTHER SIDE FOR IMPORTANT INFORMATION

THIS IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION
OBTAINED WILL BE USED FOR THAT PURPOSE.

3/31/04

FOR: BANK NNW2



BATH PA 18014

24

RE: YOUR ACCOUNT WITH OUR CLIENT
CITICORP MASTERCARD

ACCT #:

54-3456-7890-1234

PRINCIPAL:

\$1,511.26

CHARGES:

\$0.00

AMOUNT DUE:

\$1,511.26

To Residents in:

COLORADO:

FOR INFORMATION ABOUT THE COLORADO FAIR DEBT COLLECTION PRACTICES ACT, SEE
WWW.ACC.STAT.CO.US/GDP.HTM.

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New York City Department of Consumer Affairs license number 0808844.

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North Carolina collection agency permit number 3254.

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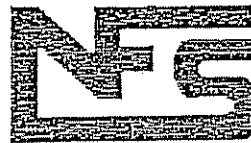
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income pursuant to Internal Revenue Code 6050 (P) and related federal law.

EXHIBIT G

600 W JOHN ST
P.O. BOX 9046
HICKSVILLE NY 11801



NATIONAL
FINANCIAL
SYSTEMS, INC.

April 14, 04

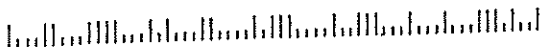
Phone: (516) 932-1400 Fax: (516) 932-8828

AMOUNT DUE: \$9,390.76



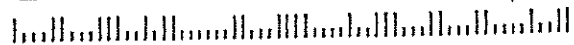
46938342-2-HB

~~INWOOD NY 11096-2040~~



46938342-2-HB

NATIONAL FINANCIAL SYSTEMS
600 W JOHN ST
P.O. BOX 9046
HICKSVILLE NY 11801



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NATIONAL FINANCIAL SYSTEMS, INC. 600 W JOHN ST, P.O. BOX 9046 / HICKSVILLE, NY 11801-1040

CALL TOLL FREE 1 (800) 765-2733

MON THRU THUR 8:00AM TO 9:00PM/FRI 8:00AM TO 5:00PM/SAT 8:00AM TO NOON EST

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4/14/04

FOR: BANK NNH1



INWOOD NY 11096

37

RE: YOUR ACCOUNT WITH OUR CLIENT
CITICORP MASTERCARD

ACCT #: ~~REDACTED~~

PRINCIPAL: \$9,390.76

CHARGES: \$0.00

AMOUNT DUE: \$9,390.76

2754

To Residents in:

COLORADO:

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